

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RODERICK DUNSTON

#26871-015
F.C.C. Coleman
FL. 33521
PO B 1033
PLAINTIFF,

v.

DRUG ENFORCEMENT ADMINISTRATION (DEA)
EXECUTIVE OFFICE FOR THE U.S. ATT'Y (EOUSA)

DEFENDENTS,

Case: 1:12-cv-00653

Assigned To : Collyer, Rosemary M.

Assign. Date : 4/25/2012

Description: FOIA/PI

COMPLAINT

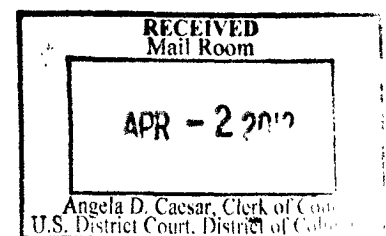
Plaintiff Roderick Dunston brings this action against Defendants, Drug Enforcement Administration (DEA), and Executive Office for United States Attorney to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). As grounds therefor, Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. this court has jurisdiction over this pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
2. Venue is proper in the District of Columbia pursuant to 28 U.S.C. § 1391(e).

PARTIES

3. Plaintiff Roderick Dunston is and at all times mentioned herein a inmate at a Federal Correctional Complex, USP-1 in Coleman, Florida.



4. Defendants are agencies of the United States Government, Drug Enforcement Administration (DEA), is headquartered at 8701 Morrisette Dr., Springfield, Virginia and Executive Office for U.S. Attorney at 600 E. Street, N.W., Suite 7300, Washington, D.C. 20530-0001. Defendant's has possession, custody, and control of records to which Plaintiff seek access.

STATEMENT OF FACTS

5. See **Exhibit-A**. On Oct.20, 2010, Plaintiff sent a FOIA request with certificate of identity by certified mail to Defendant (DEA) requesting the following:

a) Oath of Office for Daniel Rousseau, d.b.a. DEA Special Agent for the U.S. Department of Justice, Drug Enforcement Administration, located at Lake Mary/Heathrow branch in Florida;

b) Oath of Office for Perry Moore, d.b.a. DEA Special Agent for the U.S. Department of Justice, Drug Enforcement Administration, located at 660 Mesa Hill, Suite 2000, EL Paso, Texas 79912;

c) All related material, reports, etc, containing information on myself;

6. See **Exhibit-B**. Plaintiff received a response letter from Defendant (DEA), dated Nov. 5, 2010, the response letter was signed by Chief Katherine L. Myrick, Case No. 11-00007-FP was assigned to Plaintiff request. Defendant acknowledged receipt of Plaintiff FOIA request, and informed Plaintiff that a DEA investigation record search will be performed, Defendant Furthermore stated that "DEA has a substantial backlog of requests", but gave the Plaintiff no time frame, as to how long the process will take.

7. See **Exhibit-C**. On Nov.17,2010, Plaintiff sent a letter by certified mail to Defendant (DEA) inquiring on the time frame of the record search and about modifying the record search to speed the process, Defendant fell to answer Plaintiff correspondence.

8. See **Exhibit-D**. On April 11, 2011, Plaintiff sent a letter by certified mail to Defendant (DEA) inquiring on the status of the FOIA request. Defendant fell to answer Plaintiff correspondence.

9. See **Exhibit-E**. On Oct. 22, 2010, Plaintiff sent a FOIA request with certificate of identity, by certified mail to Defendant (EOUSA) requesting full disclosure of all records as follows:

a) Criminal case bonding information, for Case No. 4:07-cr-145-Y, in the Northern District of Texas, Fort Worth Division;

b) Discovery material related to Case No. 4:07-cr-145-Y, for the Northern District of Texas, Fort Worth Division;

c) Oath of Office for Assistance U.S. Attorney Joshua Burgess, for the Northern District of Texas, Fort Worth Division located at 801 Cherry St. Suite 1700, Fort Worth, Texas 76102;

10. See **Exhibit-F**. Plaintiff received a response letter from the Defendant (EOUSA) dated Nov. 30, 2010, the response was signed by Assistant Director William G. Steward, Request No.10-4098 was assigned to Plaintiff request. Defendant acknowledge receipt of Plaintiff FOIA request, and explained that the Plaintiff request is considered a project request that usually take nine months to process.

11. See **Exhibit-G**. On April 13, 2011, Plaintiff sent a letter by certified mail to Defendant (EOUSA) inquiring on the status of Plaintiff FOIA request.

12. See **Exhibit-H**. On May 24, 2010, Plaintiff received a response letter from Defendant (EOUSA) signed by Assistant Director Susan B. Gerson. The letter had five separate paragraph with check box, but not one box was check to indicate the paragraph apply to Plaintiff, the Defendant stated that was their final action, and that Plaintiff can appeal to the Office of Information Policy.

13. See **Exhibit-I**. On July 5, 2011, Plaintiff sent a letter by certified mail to the Office of Information Policy to appeal the response of Defendant (EOUSA).

14. See **Exhibit-J**. Plaintiff received a letter from the Office of Information Policy dated July 28, 2011, signed by Supervisory Administration Specialist Priscilla Jones, Office of Information Policy acknowledged receipt of Plaintiff appeal request, and assigned Appeal No.AP-2011-02537 to Plaintiff request.

15. See **Exhibit-K**. Plaintiff received a letter from the Office of Information Policy dated Sept. 27, 2011, signed by Associate Director Janice G. Mcleod. The Office of Information Policy released Assistant U.S. Attorney Joshua T. Burgess, Oath of Office, and remanded Plaintiff request for further processing of discovery material. Plaintiff was informed that Defendant

(EOUSA) will send any, and all releasable material directly to him, the Office of Information Policy suggested that if Plaintiff want to inquire about the status of remanded request, he should contact Defendant (EOUSA) directly.

16. See Exhibit-L. On Dec. 8, 2011, Plaintiff sent a letter by certified mail to Defendant (EOUSA), inquiring about the status of discovery material which the Office of Information Policy remanded to Defendant (EOUSA), with instruction to release all releasable material that will not constitute a clearly unwarranted invasion of personal privacy of third parties pursuant to 5 U.S.C. § 552(b)(6).

17. As of the date of this Complaint, Defendants have failed to produce any records responsive to any of Plaintiff FOIA requests, or demonstrate that responsive records are exempt from production. Nor has it indicated whether or when any responsive records will be produce.

18. Plaintiff is deemed to have exhausted any and all administrative remedies with respect to its FOIA request.

COUNT 1
(Violation of FOIA, 5 U.S.C. § 552)

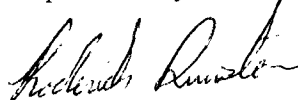
19. Plaintiff realleges paragraphs 1 thru 18 as if fully stated herein.

20. Defendants are unlawfully withholding records requested by Plaintiff pursuant to 5 U.S.C. § 552.

21. Plaintiff is being irreparably harmed by Defendant's unlawful withholding of requested records, and Plaintiff will continue to be irreparably harmed unless Defendants is compelled to conform its conduct to the requirements of the law. WHEREFORE, Plaintiff respectfully request that the Court: (1) order Defendants to conduct a search for any and all responsive records to Plaintiff's FOIA requests and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA requests; (2) order Defendants to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA requests; (3) enjoin Defendant's from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA requests.

Date: March 26, 2012

Respectfully submitted,

By: 

Roderick Dunston, Plaintiff
Att: Register No.26871-018
c/o Post Office Box 1033
Coleman, Florida 33521-1033

Roderick Dunston
Attn: Register No. 26871-018
c/o Post Office Box 1033
Coleman, Florida 33521-1033

October 19, 2010

Exhibit-A

To: Freedom of Information Operations Unit (SARO)
Drug Enforcement Administration
U.S. Department of Justice
700 Army Navy Drive
Arlington, VA 22202
via certified mail #7009 1410 0000 9711 9128

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST

AUTHORITY: Title 5 United States Code Section 552 et seq.
as applicable

Dear FOIA Officer;

Under the Freedom of Information Act, 5 U.S.C. Section 552 et seq., I am requesting copies of the "oath of office" for the following U.S. Government official within the U.S. Department of Justice, Drug Enforcement Administration, to wit:


- Oath of Office for Perry Moore, d.b.a. DEA Special Agent, for the U.S. Department of Justice, Drug Enforcement Administration, located at 660 Mesa Hill, Suite 2000, El Paso, Texas 79912.

If there are any fees for searching for or copying the above requested document, please supply the documents without informing me of the cost if the fees do not exceed \$15.00, which I agree to settle.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

Respectfully submitted,

By:


Roderick Dunston, requester

Roderick Dunston
Attn: Register No. 26871-018
c/o Post Office Box 1033
Coleman, Florida 33521-1033

October 20, 2010

Exhibit-A

To: Freedom of Information Operations Unit (SARO)
Drug Enforcement Administration
U.S. Department of Justice
700 Army Navy Drive
Arlington, VA 22202
via certified mail #7009 1410 0000 9711 8251

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST

AUTHORITY: Title 5 United States Code Section 552 et seq., and
552a et seq., as applicable

Dear FOIA Officers;

Under the Freedom of Information Act, 5 U.S.C. Section 552 et seq., I am requesting copies of the "oath of office" for the following U.S. Government official within the U.S. Department of Justice, Drug Enforcement Administration, and other documents as follows:

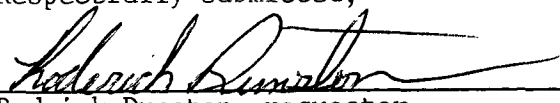
- Oath of Office for Daniel Rousseau, d.b.a. DEA Special Agent, for the U.S. Department of Justice, Drug Enforcement Administration, located at the lake Mary/Heathrow office, in Florida;
- All related material, reports, etc. containing information on myself.

If there are any fees for searching for or copying the above requested documents, please supply the documents without informing me of the cost if the fees do not exceed \$25.00, which I agree to settle.

If you deny all or part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

Respectfully submitted,

By:


Roderick Dunston, requester

Attachment

- Certificate of Identity



U.S. Department of Justice
Drug Enforcement Administration

NOV 05 2010

Case Number: 11-00007-FP

Exhibit-B

Subject: DUNSTON, RODERICK AND THE OATH OF OFFICE FOR DANIEL ROUSSEAU, DEA SPECIAL AGENT LOCATED LAKE MARY/HEATHROW OFFICE IN FLORIDA, AND PERRY MOORE, DEA SPECIAL AGENT LOCATED AT 660 MESA HILL SUITE 2000, EL PASO TX

Roderick Dunston
Reg. No. 26871-018
FCI Coleman
P.O. Box 1033
Coleman, FL 33521

Dear Mr. Dunston:

This letter responds to your Freedom of Information/Privacy Act (FOI/PA) request dated October 20, 2010, received by the Drug Enforcement Administration (DEA), Freedom of Information/Privacy Act Unit (SARF), seeking access to DEA records. Your request has been opened and assigned the above case number. Please include this case number when corresponding with this office.

You are advised that unusual circumstances apply to your request because you also seek investigative records on yourself. As defined under the FOIA, unusual circumstances include the need to search for, and collect, records from field facilities. 5 USC § 552 (a)(6)(B)(iii). While FOIA and Privacy Act requests are centrally processed by this office at DEA Headquarters, complete investigative files are maintained at, and must be retrieved from, respective DEA field offices, worldwide. As a result of these unusual circumstances, DEA will need additional time to act on your request as discussed below.

This notice of unusual circumstances extends the time for DEA to make a determination on your request an additional ten working days, for a total of 30 working days from the date of your request. However, based on the processing of your request on a first-in, first-out basis, and the current substantial backlog of requests for DEA records, we do not expect a determination to be made on your request within the 30 working days. Rest assured that DEA will act on your request promptly when it is next in the processing queue. You are further advised that you may modify your request by limiting its scope to speed processing and/or you may seek an alternative time frame for processing your request or modified request.

Case Number: 11-00007-FP

Page 2

This letter confirms your obligation that by filing your request, you have agreed to pay all applicable fees charged under 28 C.F.R. § 16.11, up to \$25.00. No fees are due at this time. If you have any questions regarding this letter, you may contact our Customer Service Hotline Representative on (202) 307-7596 or mail your correspondence to:

DEA HEADQUARTERS
ATTN: FOI/PA UNIT (SARF)
8701 MORRISSETTE DRIVE
SPRINGFIELD, VIRGINIA 22152

Sincerely,

Katherine L. Myrick, Chief
Freedom of Information/Privacy Act Unit
FOI/Records Management Section

Roderick Dunston
ATTN: Register # 26871-018
c/o Post Office Box 1033
Coleman, Florida 33521-1033

November 16, 2010

To: DEA HEADQUARTERS
ATTN: FOI/PA UNIT (SARF)
8701 Morrisette Drive, Springfield, VA 22152
via certified mail # 7009 1410 0000 9711 8244

Exhibit-C

RE: 11-00007-FP

Dear Katherine L. Myrick

This correspondence is in regard to your response letter dated Nov 5, 2010. I have some questions about the time frame of the DEA investigation records search, with the substantial backlog of DEA request, what kind of time frame should I expect, if I decide not to modify my record search request, or would the process accelerate if I decide to modify my request and limit the search to the states of Texas and Florida only.

If the modification speeds up the process I would be willing to change the circumstance of the record search to the states of Texas and Florida only. But if the modification will have no effect on the process then it would be in my best interest not to modify my request.

Also I'am still in need of the "OATH OF OFFICE" for both DEA officers Daniel Rousseau d.b.a DEA Special Agent located at the Lake Mary/Heathrow office in Florida and Perry Moore d.b.a DEA Special Agent located at the El Paso office in Texas. Depending on your response to my correspondence I will determine what alternative I will seek, if any. If you have any question feel free to correspond by mail at the address above.

Respectfully,

Roderick Dunston

Roderick Dunston
ATTN: Register No. 26871-018
c/o Post Office Box 1033
Coleman, Florida 33521-1033

April 11, 2011

Exhibit-D

TO: DEA HEADQUARTERS
ATTN: FOI/PA UNIT (SARF)
8701 MORRISSETTE DRIVE
SPRINGFIELD, VIRGINIA 22152

RE: Case No. 11-00007-FP

Subject: Status of Request

Dear Katherine L. Myrick,

The reason for this correspondence is that I'm inquiring on the status of my Freedom of Information request. I received your response letter dated Nov 5, 2010, informing me that my FOI request was received by your office, and, as of the date of this letter, I have not received any of the requested documents. It will be much appreciated if you would inform me on the status of my FOI request.

I would like to thank you in advance for your time and assistants in this important matter. If you have any questions you may contact me at the address above.

Cordially,


Roderick Dunston

7. Any and all other records and data concerning the bond(s) not otherwise exempt by law;
8. Discovery material related to case no. 4:07-cr-145-Y, for the Northern District of Texas, Fort Worth Division; and
9. Oath of Office for assistant U.S. attorney Joshua Burgess, for the Northern District of Texas, Fort Worth Division, located at 801 Cherry Street, Suite 1700, Fort Worth, Texas 76102-6897.

If there are any fees for searching for or copying the above requested documents, please inform me of the cost and I will agree to settle.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

Respectfully submitted,

By: 
Rodrick Dunston, requester

Attachment

- Certificate of Identity



U.S. Department of Justice

*Executive Office for United States Attorneys
Freedom of Information & Privacy Staff
600 E Street, N W , Suite 7300, Bicentennial Building
Washington, DC 20530-0001
(202) 252-6020 FAX 252-6047 (www.usdoj.gov/usao)*

Requester: Roderick Dunston Request No.: 10-4098

NOV 30 2010

Subject: Self (bonds)/TXN **Exhibit-F**

The Executive Office for United States Attorneys (EOUSA) has received your Freedom of Information Act/Privacy Act (FOIA/PA) request. It has been assigned the above number. Please give us this number if you write about your request. If we need additional information, we will contact you within two weeks.

Your request will be placed in the order in which it was received for processing, unless it is a very large request (Project Request). Then, it will be placed in a separate group of Project Requests, which are also processed in the order received.

EOUSA makes every effort to process most requests within a month (20 working days). There are some exceptions; for example, Project Requests usually take approximately nine months to process. Requests for "all information about myself in criminal case files" are usually Project Requests. If you have made such a request, you may either write us and narrow your request for specific items, or you may expect that the processing of your request may take nine months from the date of this letter.

By making a FOIA/PA request, you have agreed to pay fees up to \$25, as stated in 28 CFR § 16.3(c), unless you have requested a fee waiver. Please note that pursuant to 28 CFR § 16.11, if you have not been granted a fee waiver, we are required to charge fees for time used to search for the documents you have requested and for duplication of all pages released to you. Normally, search time is charged at a rate of \$28 per hour after the first two hours which are free, and duplication fees are \$0.10 per page after the first 100 pages which are free. Please do not send any payment at this time! If we anticipate that fees will exceed \$25 or the amount you have stated in your letter (if greater than \$25), we will normally notify you of our estimate of fees. After we have received your agreement to pay for the expected fees (or you have narrowed your request to reduce fees) and we have processed your request, we will require payment for the accumulated charges before we release documents to you. Without such payment, your request file will be closed without further action.

Sincerely,

William G. Stewart II
Assistant Director

Roderick Dunston
ATTN: Register No. 26871-018
c/o Post Office Box 1033
Coleman, Florida 33521-1033

April 11, 2011

Exhibit-G

To: Executive Office for United States Attorney
Freedom of Information & Privacy Staff
600 E Street, N.W., Suite 7300
Washington D.C. 20530-0001

RE: Request No. 10-4098

Subject: Status of Request

Dear William G. Stewart,

The reason for this request correspondence is that I'm inquiring on the status of my Freedom of Information request. I received your response letter dated Nov 30, 2010, informing me that my FOI request was received by your office, and, as of the date of this letter, I have not received any of the requested documents. It will be much appreciated if you would inform me on the status of my FOI request.

I would like to thank you in advance for your time and assistants in this important matter. If you have any questions you may contact me at the address above.

Cordially,

Roderick Dunston



U.S. Department of Justice

Executive Office for United States Attorneys
 Freedom of Information & Privacy Staff
 600 E Street, N W, Suite 7300, Bicentennial Building
 Washington, DC 20530-0001
 (202) 252-6020 FAX 252-6047 (www.usdoj.gov/usao)

Requester: Roderick DunstonRequest Number: 10-4098 Date of Receipt: 11-4-10Subject: Self (Bonds) TXN

Exhibit-H

24 MAY 2011

Dear Requester:

In response to your Freedom of Information Act and/or Privacy Act request, the paragraph(s) checked below apply:

1. ☐ A search for records located in EOUSA - _____ has revealed no responsive records regarding the above subject.
2. ☐ A search for records located in the United States Attorney's Office(s) for the Northern District of Texas has revealed no responsive records regarding the above subject. We regret to inform you that we maintain no files containing the records you seek. To the extent that you seek "Bond Information," the Department of Justice does not "take out" nor "issue" bonds and/or securities when it investigates and prosecutes alleged violators of federal criminal law.
3. ☐ After an extensive search, the records which you have requested cannot be located.
4. ☐ Your records have been destroyed pursuant to Department of Justice guidelines.
5. ☐ Please note that your original letter was split into separate files ("requests"), for processing purposes, based on the nature of what you sought. Each file was given a separate Request Number (listed below), for which you will receive a separate response:

This is the final action on this above-numbered request. You may appeal this decision on this request by writing to the **Office of Information Policy, United States Department of Justice, 1425 New York Avenue, Suite 11050, Washington, D.C. 20530-0001**. Both the letter and envelope should be marked "FOIA Appeal." Your appeal must be received by OIP within 60 days from the date of this letter. If you are dissatisfied with the results of any such administrative appeal, judicial review may thereafter be available in U.S. District Court, 28 C.F.R. §16.9.

Sincerely,

Susan B. Gerson
 Acting Assistant Director

Roderick Dunston
ATTN: Register No. 26871-018
c/o Post Office Box 1033
Coleman, Florida 33521-1033

June 30, 2011

Exhibit-I

To: Office of Information Policy
1425 New York Avenue, Suite 11050
Washington D.C. 20530-0001

RE: Request No. 10-4098

Subject: Freedom of Information Act Appeal

Dear FOI Appeal Officer;

This is an Appeal under the Freedom of Information Act.

On October 19, 2010, I requested documents under the Freedom of Information Act. My request was assigned the following identification number: 10-4098. On November 30, 2010, I received a response to my request in a letter sign by William G. Steward. On April 11, 2011, I wrote a letter to the Executive Office for United States Attorneys, Freedom of Information Privacy Staff inquiring on the status of my information request, due to the excessive amount of time, that had pass without receiving any of the information I had requested; in return, I received a denial letter for my Freedom of Information request dated May 24, 2011, sign by Acting Assistant Director, Susan B. Gerson

Herewith, are copies of the correspondence letter.

The documents that were withheld must be disclose under the FOIA because, pursuant to Title 5 U.S.C. 552, any person has the right to request access to the federal agency records and information. All agencies of the Executive Branch of the United States Government are required to disclose records upon written request. And if any of the recorders are withheld under any of the nine exemption, or three exclusions, then the agency will forward a letter to the respondent explaining whether information is being withheld pursuant to one or more of the exemptions. When a page of a record is being withheld in its entirety, the component will specify the number of pages being withheld or make reasonable efforts to estimate the volume of the held information.

I would like to thank you in advance for your help with important matter, if you have any question you may contact me via mail, at the address above.

Respectfully;

Roderick Dunston



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

JUL 28 2011

Exhibit-J

Mr. Roderick Dunston
Register No. 26871-018
United States Penitentiary
P.O. Box 1033
Coleman, FL 33521-1033

Re: Request No. 10-4098

Dear Mr. Dunston:

This is to advise you that your administrative appeal from the action of the Executive Office for United States Attorneys was received by this Office on July 18, 2011.

The Office of Information Policy has the responsibility of adjudicating such appeals. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number **AP-2011-02537**. Please mention this number in any future correspondence to this Office regarding this matter.

We will notify you of the decision on your appeal as soon as we can. If you have any questions about the status of your appeal you may contact me at the number above.

Sincerely,

A handwritten signature in black ink, appearing to read "Priscilla Jones", written over a horizontal line.

Priscilla Jones

Supervisory Administrative Specialist



U.S. Department of Justice

Office of Information Policy

Telephone: (202) 514-3642

Washington, D.C. 20530

SEP 27 2011

Exhibit-K

Mr. Roderick Dunston
Register No. 26871-018
United States Penitentiary
Post Office Box 1033
Coleman, FL 33521

Re: Appeal No. AP-2011-02537
Request No. 10-4098
CAS:PED

Dear Mr. Dunston:

You appealed from the action of the Executive Office for United States Attorneys (EOUSA) on your request for access to certain records located in the Northern District of Texas.

The Freedom of Information Act provides for disclosure of many agency records. At the same time, Congress included in the FOIA nine exemptions from disclosure that provide protection for important interests such as personal privacy, privileged communications, and certain law enforcement activities. After carefully considering your appeal, and as a result of discussions between EOUSA personnel and a member of my staff, I am releasing the Oath of Office of Assistant United States Attorney Joshua T. Burgess (copy enclosed), with certain information excised pursuant to 5 U.S.C. § 552(b)(6). This provision concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. Additionally, I am remanding your request for further processing of your request for discovery material related to your criminal case. EOUSA will send any and all releasable information to you directly, subject to any fees. You may appeal any future adverse determination made by EOUSA. If you would like to inquire about the status of your remanded request, please contact EOUSA directly. I am otherwise affirming EOUSA's action on your request.

I have determined that EOUSA properly informed you that it does not maintain any information concerning the type of bonds you described in your request letter. In fact, this Office has never found any indication that this type of bond has ever existed within any component of the Department of Justice.

Please be advised that this Office's decision was taken only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the actions of EOUSA in response to your request.

-2-

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

A handwritten signature in black ink, appearing to read "Janice Galli McLeod". The signature is fluid and cursive, with the first name "Janice" being the most prominent.

Janice Galli McLeod
Associate Director

Enclosure

Roderick Dunston
ATT: Register No. 26871-018
c/o Post Office Box 1033
Coleman, Florida 33521-1033

December 8 2011

Exhibit-L

TO: Executive Office for United States Att.
Freedom of Information & Privacy Staff
600 E. Street, N.W., Suite 7300
Washington D.C. 20530-0001
via certified mail#7010 1870 0001 7446 9928

RE: Request No.10-4098
Appeal No.AP-2011-02537

Dear, Susan B. Gerson

I appeal your action to USDOJ, Office of Information Policy; in reference to my FOI request, for the discovery material relating to my criminal case in the Northern District in Texas. I was informed, via mail with a letter dated Sept.27, 2011 by Associate Director, Janice G. McLeod that my request was remanded to EOUSA with instruction to forward all releasable material to me, subject any fees; however, as of this date I have not received any documents from your office, so I would like to know what's the status of my FOI request, enclosed herewith is a copy of the response letter from the Office of Information Policy.

If you have any question you may contact me via mail, I would like to thank you for assisting me with this matter.

Respectfully,

Roderick Dunston